

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF BRIAN ) APPEAL NO. 07-A-2686  
CLARK from the decision of the Board of ) FINAL DECISION  
Equalization of Valley County for tax year 2007. ) AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER was conducted "On the Record" - in writing. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Brian Clark submitted information for consideration. Respondent Valley County also submitted information for consideration. This appeal is taken from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RPM01840000300A.

**The issue on appeal is the market value of a residential property.**

**The decision of the Valley County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$103,080, and the improvements' valuation is \$256,820, totaling \$359,900. Appellant requests the total value be reduced to \$280,000.

The subject property is 0.215 acres improved with a 3 bedroom, 2 bath, 1,344 square foot residence. The residence is more than twenty years old and has an 800 square foot detached garage. Subject is located in the 19<sup>th</sup> Hole Estates Subdivision in McCall, Idaho.

Appellant presented five sale properties comparable to subject in lot size and square footage. All the sale properties were improved and ranged in price from \$265,000 to \$280,000 and in lot size from 0.176 to 0.331 acres. Four of the sales took place in 2007 and one in 2006.

Appellant stated that the assessed value of subject was not supported by the sale prices of the similar properties. Taxpayer also asserted that the market value of subject should be

further reduced because subject is located two lots from a busy street.

The Assessor introduced three sale properties to compare to subject. These properties were located in the McCall area and ranged in price from \$375,000 to \$657,600. Of the three sale properties submitted, the average ratio of assessed value to sale price was 95%, with the overall range from 82% to 103%.

The County asserted the sale properties presented by Appellant were not comparable to subject because all but one took place in 2007, and the one 2006 sale was not located in the same area as subject. The Assessor stated that the assessed value of subject was based on sales data for similar properties found in comparable neighborhoods in Valley County and that the increase in the market value of subject property was consistent with the trend of increased property values in 2006. Property values throughout the County had shifted in a strong upward trend which continued through to the end of 2006.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho is a market value state for property tax purposes. Idaho Code § 63-201(10) provides the requisite definition:

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing sell, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Property not expressly exempt is valued at its current market value as of January 1 in the given tax year. Recent, proximate sales of comparable property are considered good evidence of value.

Both parties presented several sales to support the value claims.

Appellants' sales were similar to subject in lot size and square footage, and four of the residences were newer than subject. Location of the sales in relation to the subject was not submitted.

The County submitted three 2006 sales to support the increase in subject's assessed value through a comparison of assessed value to sales price. The comparison of the assessed values to the sale prices indicate, in this case, the level of assessment meets the market value requirements of Idaho Code.

The Assessor's brief included a spreadsheet of Appellant's sales, noting four of the sales took place after the January 1, 2007 lien date, but would be included in the 2008 sales analysis. The Assessor also noted four of the sales were not in subject's area, therefore, the locations were not comparable.

**Idaho Code § 63-511. Appeals from county board of equalization –**

(4) In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. **A preponderance of evidence shall suffice to sustain the burden of proof.** The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation . . . (Emphasis added)

The Board finds in this case, a preponderance of the evidence does not support a reduction in the assessed value of subject. Therefore, the decision of the Valley County Board

of Equalization is affirmed.

**FINAL ORDER**

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

**MAILED MARCH 8, 2008**